

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

In re: <u>Joshua Aaron Clinedinst</u> Debtor(s)	CASE NO. <u>24-50023</u> CHAPTER <u>7</u>
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MOTION TO QUASH GARNISHMENT

Comes now your applicant, Joshua Aaron Clinedinst, by counsel, pursuant to Bankruptcy Code §362 (a), and respectfully represents:

1. That your applicant has filed his petition for relief under Chapter 7 of Title 11 of the United States Code;
2. That your applicant is subject to a garnishment issued by the (name and address of the Court)

Augusta County General District Court 6 East Johnson St Staunton, VA 24461
within 90 days of the filing of the above-named petition;

3. That said garnishment is in favor of (name and address of creditor)
LUNV Funding LLC
C/O 8028 Ritchie Highway S-30 Pasadena MD 21122
3/4/24 and has a return date of
employer (name and address) AG Stacker S/O Matthew Von Schuch 90 North main St Ste 201
on (date) 1/18/24 Harrisonburg VA 22803
OR applicant's employer (name and address) _____
has withheld the sum of \$ 324.00


WHEREFORE, your applicant prays that said garnishment be quashed and that he/she have such other and further relief as the nature of his/her case may require.

Copies hereof are directed by mail to the debtor, creditor, and debtor's employer.

DATE:

1/19/23

Respectfully submitted,


By: Josh Clinedinst
Applicant

FILED HARRISONBURG, VA
U.S. BANKRUPTCY COURT
9:40AM
JAN 19 2024

By JS
Deputy Clerk

GARNISHMENT SUMMONS

Commonwealth of Virginia Va. Code §§ 8.01-511, 8.01-512.3

AUGUSTA CO

COURT NAME

General District Court

6 East Johnson St Staunton VA 24401

COURT ADDRESS AND TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

DATE OF ISSUANCE OF SUMMONS

CLERK

DATE AND TIME OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

TO GARNISHEE: On check or written answer, include return date, case number and judgment debtor's name. MAKE CHECK PAYABLE TO JUDGMENT CREDITOR AND DELIVER TO THE COURT.

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? ☐ yes ☐ no ☐ cannot be demanded

DATE OF ISSUANCE OF WRIT

CLERK

CASE DISPOSITION

I ORDER that

☐ the garnishee pay to the judgment creditor through the court \$ net of any credits.

☐ the case be DISMISSED.

☐

DATE ENTERED

JUDGE

CASE NO. GV22001545-002

LVNV Funding LLC successor-in-interest to Sterling

Jewelers, Inc.
JUDGMENT CREDITOR'S NAME

c/o 8028 Ritchie Highway S-300

STREET ADDRESS

Pasadena, Maryland 21122

CITY, STATE, ZIP

TELEPHONE NUMBER

A. Connelley Armentrout VSB #83606
Michael J. Klima, Jr. VSB # 87012 | Scott E. Peters VSB # 87019
Klima, Peters & Daly, P.A.

JUDGMENT CREDITOR'S ATTORNEY'S NAME

8028 Ritchie Hwy S-300, Pasadena, MD 21122

ADDRESS

888-768-2280

TELEPHONE NUMBER

Joshua Clinedinst

JUDGMENT DEBTOR'S NAME (SERVE)

191 Montgomery Rd

STREET ADDRESS

Staunton Virginia 24401-9566

CITY, STATE, ZIP

XXX-XX-2328

SOCIAL SECURITY NUMBER

540-419-9300

TELEPHONE NUMBER

AGS Manufacturing, Inc

GARNISHEE'S NAME

s/o Matthew Von Schuch 90 North Main St Ste 201

STREET ADDRESS

Harrisonburg VA 22803

CITY, STATE, ZIP

February 6, 2023

DATE OF JUDGMENT

STATEMENT

3,629.56

Judgment Principal

.00

Credits

138.53

Interest

\$67.00

Judgment Costs

.00

Attorney's Fees

158.00

Garnishment Costs

3,993.09 \$ TOTAL BALANCE DUE

The garnishee shall rely on this amount.

HEARING DATE & TIME

3/04/24 9:00 AM

GARNISHMENT SUMMONS

This is a garnishment against (check only one)
☒ the judgment debtor's wages, salary or other compensation.

☐ some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

☐ Support

☐ 50% ☐ 55%

☐ 60% ☐ 65%

(if not specified, then 50%)

☐ state taxes, 100%

If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of this GARNISHMENT SUMMONS).

\$ received by

JUDGMENT CREDITOR

☐ Judgment debtor present

DATE